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Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 SAIF ALA AL DEEN,

16 Defendant.

No. CR 18-00866-TJH

PLEA AGREEMENT FOR DEFENDANT
SAIF ALA AL DEEN

17
18 1. This constitutes the plea agreement between SAIF ALA AL
19 DEEN ("defendant") and the United States Attorney's Office for the
20 Central District of California (the "USAO") in the above-captioned
21 case. This agreement is limited to the USAO and cannot bind any
22 other federal, state, local, or foreign prosecuting, enforcement,
23 administrative, or regulatory authorities.

24 DEFENDANT'S OBLIGATIONS

25 2. Defendant agrees to:

26 a. At the earliest opportunity requested by the USAO and
27 provided by the Court, appear and plead guilty to Count One of the
28 indictment in United States v. SAIF ALA AL DEEN, CR No. 18-00866-TJH,

1 which charges defendant with False Information and Hoaxes in
2 violation of 18 U.S.C. § 1038(a)(2).

3 b. Not contest facts agreed to in this agreement.

4 c. Abide by all agreements regarding sentencing contained
5 in this agreement.

6 d. Appear for all court appearances, surrender as ordered
7 for service of sentence, obey all conditions of any bond, and obey
8 any other ongoing court order in this matter.

9 e. Not commit any crime; however, offenses that would be
10 excluded for sentencing purposes under United States Sentencing
11 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
12 within the scope of this agreement.

13 f. Be truthful at all times with the United States
14 Probation and Pretrial Services Office and the Court.

15 g. Pay the applicable special assessment at or before the
16 time of sentencing unless defendant has demonstrated a lack of
17 ability to pay such assessments.

18 THE USAO'S OBLIGATIONS

19 3. The USAO agrees to:

20 a. Not contest facts agreed to in this agreement.

21 b. Abide by all agreements regarding sentencing contained
22 in this agreement.

23 c. At the time of sentencing, move to dismiss the
24 remaining counts of the indictment as against defendant. Defendant
25 agrees, however, that at the time of sentencing the Court may
26 consider any dismissed charges in determining the applicable
27 Sentencing Guidelines range, the propriety and extent of any
28 departure from that range, and the sentence to be imposed.

1 d. At the time of sentencing, provided that defendant
2 demonstrates an acceptance of responsibility for the offense up to
3 and including the time of sentencing, recommend a two-level reduction
4 in the applicable Sentencing Guidelines offense level, pursuant to
5 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
6 additional one-level reduction if available under that section.

7 e. Recommend a one-level downward variance pursuant to 18
8 U.S.C. § 3553(a), provided that the total offense level applied by
9 the Court before any variance is 14 or higher.

10 f. At the time of sentencing, recommend that the Court
11 impose a sentence of probation.

12 NATURE OF THE OFFENSE

13 4. Defendant understands that for defendant to be guilty of
14 the crime charged in Count One, that is, False Information and
15 Hoaxes, in violation of Title 18, United States Code, Section
16 1038(a)(2), the following must be true: (1) Defendant intentionally
17 conveyed false or misleading information; (2) The information was
18 conveyed under circumstances where such information may reasonably be
19 believed; and (3) The information pertained to the death, injury,
20 capture, or disappearance of a member of the Armed Forces of the
21 United States during a war or armed conflict in which the United
22 States was engaged.

23 PENALTIES

24 5. Defendant understands that the statutory maximum sentence
25 that the Court can impose for a violation of Title 18, United States
26 Code, Section 1038(a)(2), is: 5 years' imprisonment; a 3-year period
27 of supervised release; a fine of \$250,000 or twice the gross gain or
28

1 gross loss resulting from the offense, whichever is greatest; and a
2 mandatory special assessment of \$100.

3 6. Defendant understands that supervised release is a period
4 of time following imprisonment during which defendant will be subject
5 to various restrictions and requirements. Defendant understands that
6 if defendant violates one or more of the conditions of any supervised
7 release imposed, defendant may be returned to prison for all or part
8 of the term of supervised release authorized by statute for the
9 offense that resulted in the term of supervised release, which could
10 result in defendant serving a total term of imprisonment greater than
11 the statutory maximum stated above.

12 7. Defendant understands that, by pleading guilty, defendant
13 may be giving up valuable government benefits and valuable civic
14 rights, such as the right to vote, the right to possess a firearm,
15 the right to hold office, and the right to serve on a jury. Defendant
16 understands that he is pleading guilty to a felony and that it is a
17 federal crime for a convicted felon to possess a firearm or
18 ammunition. Defendant understands that the conviction in this case
19 may also subject defendant to various other collateral consequences,
20 including but not limited to revocation of probation, parole, or
21 supervised release in another case and suspension or revocation of a
22 professional license. Defendant understands that unanticipated
23 collateral consequences will not serve as grounds to withdraw
24 defendant's guilty plea.

25 8. Defendant understands that, if defendant is not a United
26 States citizen, the felony conviction in this case may subject
27 defendant to: removal, also known as deportation, which may, under
28 some circumstances, be mandatory; denial of citizenship; and denial

1 of admission to the United States in the future. The Court cannot,
2 and defendant's attorney also may not be able to, advise defendant
3 fully regarding the immigration consequences of the felony conviction
4 in this case. Defendant understands that unexpected immigration
5 consequences will not serve as grounds to withdraw defendant's guilty
6 plea.

7 FACTUAL BASIS

8 9. Defendant admits that defendant is, in fact, guilty of the
9 offense to which defendant is agreeing to plead guilty. Defendant
10 and the USAO agree to the statement of facts provided below and agree
11 that this statement of facts is sufficient to support a plea of
12 guilty to the charge described in this agreement and to establish the
13 Sentencing Guidelines factors set forth in paragraph 11 below but is
14 not meant to be a complete recitation of all facts relevant to the
15 underlying criminal conduct or all facts known to either party that
16 relate to that conduct.

17 On or about November 20, 2014, in Los Angeles County, within the
18 Central District of California, defendant, intentionally conveyed
19 false and misleading information that victims A.M.A., R.M.A., and
20 O.A.A. caused the deaths of members of the United States Armed Forces
21 during an armed conflict in which the United States was engaged,
22 under circumstances where such information may reasonably have been
23 believed. Specifically, defendant submitted a tip to the Arizona
24 Counter Terrorism Information Center ("AZCTIC") that stated that
25 individuals A.M.A., R.M.A., and O.A.A., used fraudulent documents in
26 order to obtain visas to enter the United States, and that these
27 individuals allegedly had organized an attack in Iraq in 2006 that
28 resulted in the deaths of two United States Marines. In addition,

1 defendant stated these individuals were planning terrorist attacks in
2 the United States, targeting the Pentagon, the White House and the
3 Phoenix Police Department.

4 On or about April 20, 2015, in Los Angeles County, within the
5 Central District of California, defendant, intentionally conveyed
6 false and misleading information that individuals K.N.A., S.N.A., and
7 O.N.A. were knowingly providing material support and resources to a
8 foreign terrorist organization, under circumstances where such
9 information may reasonable have been believed, where such information
10 indicated that an activity had taken, was taking, and would take
11 place that would constitute a violation of Title 18, United States
12 Code, Section 2339B, specifically, providing material support to
13 terrorist organizations. Specifically, defendant submitted a tip to
14 the Social Security Administration Office of Inspector General ("SSA-
15 OIG") that stated individuals K.N.A., S.N.A., and O.N.A., used
16 fraudulent documents to gain asylum and permanent residence in the
17 United States, and that these individuals were members of the
18 terrorist organization ISIS, and were providing support and funding
19 to ISIS. Defendant claimed K.N.A. participated in attacks on
20 coalition forces in Iraq, including Armed Forces of the United
21 States. In addition, defendant stated these individuals were
22 planning terrorist attacks in the United States, targeting the Los
23 Angeles Police Department and the headquarters of the Federal Bureau
24 of Investigation.

25 On or about June 30, 2015, in Los Angeles County, within the
26 Central District of California, defendant, intentionally conveyed
27 false and misleading information that individuals N.A.S., F.A.S., and
28 F.A.S. were knowingly providing material support and resources to a

1 foreign terrorist organization, under circumstances where such
2 information may reasonable have been believed, where such information
3 indicated that an activity had taken, was taking, and would take
4 place that would constitute a violation of Title 18, United States
5 Code, Section 2339B, specifically, providing material support to
6 terrorist organizations. Specifically, defendant submitted a tip to
7 the AZCTIC that stated individuals N.A.S., F.A.S., and F.A.S., used
8 fraudulent documents to gain asylum and permanent residence in the
9 United States, and that these individuals were members of the
10 terrorist organization ISIS, and were providing support and funding
11 to ISIS. Defendant claimed the individuals participated in attacks
12 on coalition forces in Iraq, including Armed Forces of the United
13 States, and that those attacks resulted in the deaths of several
14 United States Marines. In addition, defendant stated these
15 individuals were planning terrorist attacks in the United States,
16 targeting the Los Angeles Police Department and the headquarters of
17 the Federal Bureau of Investigation.

18 SENTENCING FACTORS

19 10. Defendant understands that in determining defendant's
20 sentence the Court is required to calculate the applicable Sentencing
21 Guidelines range and to consider that range, possible departures
22 under the Sentencing Guidelines, and the other sentencing factors set
23 forth in 18 U.S.C. § 3553(a). Defendant understands that the
24 Sentencing Guidelines are advisory only, that defendant cannot have
25 any expectation of receiving a sentence within the calculated
26 Sentencing Guidelines range, and that after considering the
27 Sentencing Guidelines and the other § 3553(a) factors, the Court will
28 be free to exercise its discretion to impose any sentence it finds

1 appropriate up to the maximum set by statute for the crime of
2 conviction.

3 11. Defendant and the USAO agree to the following applicable
4 Sentencing Guidelines factors:

5 Base Offense Level: 12 U.S.S.G. § 2A6.1(a)(1)

6 Specific Offense
7 Characteristics: Offense
Involved More Than Two
8 Threats

+2 U.S.S.G. § 2A6.1(b)(2)(A)

9
10 Defendant and the USAO reserve the right to argue that additional
11 specific offense characteristics, adjustments, and departures under
12 the Sentencing Guidelines are appropriate.

13 12. Defendant understands that there is no agreement as to
14 defendant's criminal history or criminal history category.

15 13. Defendant and the USAO reserve the right to argue for a
16 sentence outside the sentencing range established by the Sentencing
17 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
18 (a)(2), (a)(3), (a)(6), and (a)(7).

19 WAIVER OF CONSTITUTIONAL RIGHTS

20 14. Defendant understands that by pleading guilty, defendant
21 gives up the following rights:

- 22 a. The right to persist in a plea of not guilty.
23 b. The right to a speedy and public trial by jury.
24 c. The right to be represented by counsel -- and if
25 necessary have the Court appoint counsel -- at trial. Defendant
26 understands, however, that, defendant retains the right to be
27 represented by counsel -- and if necessary have the Court appoint
28 counsel -- at every other stage of the proceeding.

1 d. The right to be presumed innocent and to have the
2 burden of proof placed on the government to prove defendant guilty
3 beyond a reasonable doubt.

4 e. The right to confront and cross-examine witnesses
5 against defendant.

6 f. The right to testify and to present evidence in
7 opposition to the charges, including the right to compel the
8 attendance of witnesses to testify.

9 g. The right not to be compelled to testify, and, if
10 defendant chose not to testify or present evidence, to have that
11 choice not be used against defendant.

12 h. Any and all rights to pursue any affirmative defenses,
13 Fourth Amendment or Fifth Amendment claims, and other pretrial
14 motions that have been filed or could be filed.

15 WAIVER OF APPEAL OF CONVICTION

16 15. Defendant understands that, with the exception of an appeal
17 based on a claim that defendant's guilty plea was involuntary, by
18 pleading guilty defendant is waiving and giving up any right to
19 appeal defendant's conviction on the offense to which defendant is
20 pleading guilty. Defendant understands that this waiver includes,
21 but is not limited to, arguments that the statute to which defendant
22 is pleading guilty is unconstitutional, and any and all claims that
23 the statement of facts provided herein is insufficient to support
24 defendant's plea of guilty.

25 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

26 16. Defendant agrees that, provided the Court imposes a total
27 term of imprisonment on all counts of conviction of no more than 16
28 months, defendant gives up the right to appeal all of the following:

1 (a) the procedures and calculations used to determine and impose any
2 portion of the sentence; (b) the term of imprisonment imposed by the
3 Court; (c) the fine imposed by the Court, provided it is within the
4 statutory maximum; (d) to the extent permitted by law, the
5 constitutionality or legality of defendant's sentence, provided it is
6 within the statutory maximum; (e) the term of probation or supervised
7 release imposed by the Court, provided it is within the statutory
8 maximum; and (f) any of the following conditions of probation or
9 supervised release imposed by the Court: the conditions set forth in
10 General Order 18-10 of this Court; the drug testing conditions
11 mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the alcohol and
12 drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

13 17. The USAO agrees that, provided (a) all portions of the
14 sentence are at or below the statutory maximum specified above and
15 (b) the Court imposes a term of imprisonment of no less than 8
16 months, the USAO gives up its right to appeal any portion of the
17 sentence.

18 RESULT OF WITHDRAWAL OF GUILTY PLEA

19 18. Defendant agrees that if, after entering a guilty plea
20 pursuant to this agreement, defendant seeks to withdraw and succeeds
21 in withdrawing defendant's guilty plea on any basis other than a
22 claim and finding that entry into this plea agreement was
23 involuntary, then (a) the USAO will be relieved of all of its
24 obligations under this agreement; and (b) should the USAO choose to
25 pursue any charge that was either dismissed or not filed as a result
26 of this agreement, then (i) any applicable statute of limitations
27 will be tolled between the date of defendant's signing of this
28 agreement and the filing commencing any such action; and

1 (ii) defendant waives and gives up all defenses based on the statute
2 of limitations, any claim of pre-indictment delay, or any speedy
3 trial claim with respect to any such action, except to the extent
4 that such defenses existed as of the date of defendant's signing this
5 agreement.

6 RESULT OF VACATUR, REVERSAL OR SET-ASIDE

7 19. Defendant agrees that if the count of conviction is
8 vacated, reversed, or set aside, both the USAO and defendant will be
9 released from all their obligations under this agreement.

10 EFFECTIVE DATE OF AGREEMENT

11 20. This agreement is effective upon signature and execution of
12 all required certifications by defendant, defendant's counsel, and an
13 Assistant United States Attorney.

14 BREACH OF AGREEMENT

15 21. Defendant agrees that if defendant, at any time after the
16 signature of this agreement and execution of all required
17 certifications by defendant, defendant's counsel, and an Assistant
18 United States Attorney, knowingly violates or fails to perform any of
19 defendant's obligations under this agreement ("a breach"), the USAO
20 may declare this agreement breached. All of defendant's obligations
21 are material, a single breach of this agreement is sufficient for the
22 USAO to declare a breach, and defendant shall not be deemed to have
23 cured a breach without the express agreement of the USAO in writing.
24 If the USAO declares this agreement breached, and the Court finds
25 such a breach to have occurred, then: (a) if defendant has previously
26 entered a guilty plea pursuant to this agreement, defendant will not
27 be able to withdraw the guilty plea, and (b) the USAO will be
28 relieved of all its obligations under this agreement.

1 22. Following the Court's finding of a knowing breach of this
2 agreement by defendant, should the USAO choose to pursue any charge
3 that was either dismissed or not filed as a result of this agreement,
4 then:

5 a. Defendant agrees that any applicable statute of
6 limitations is tolled between the date of defendant's signing of this
7 agreement and the filing commencing any such action.

8 b. Defendant waives and gives up all defenses based on
9 the statute of limitations, any claim of pre-indictment delay, or any
10 speedy trial claim with respect to any such action, except to the
11 extent that such defenses existed as of the date of defendant's
12 signing this agreement.

13 c. Defendant agrees that: (i) any statements made by
14 defendant, under oath, at the guilty plea hearing (if such a hearing
15 occurred prior to the breach); (ii) the agreed to factual basis
16 statement in this agreement; and (iii) any evidence derived from such
17 statements, shall be admissible against defendant in any such action
18 against defendant, and defendant waives and gives up any claim under
19 the United States Constitution, any statute, Rule 410 of the Federal
20 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
21 Procedure, or any other federal rule, that the statements or any
22 evidence derived from the statements should be suppressed or are
23 inadmissible.

24 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

25 OFFICE NOT PARTIES

26 23. Defendant understands that the Court and the United States
27 Probation and Pretrial Services Office are not parties to this
28 agreement and need not accept any of the USAO's sentencing

1 recommendations or the parties' agreements to facts or sentencing
2 factors.

3 24. Defendant understands that both defendant and the USAO are
4 free to: (a) supplement the facts by supplying relevant information
5 to the United States Probation and Pretrial Services Office and the
6 Court, (b) correct any and all factual misstatements relating to the
7 Court's Sentencing Guidelines calculations and determination of
8 sentence, and (c) argue on appeal and collateral review that the
9 Court's Sentencing Guidelines calculations and the sentence it
10 chooses to impose are not error, although each party agrees to
11 maintain its view that the calculations in paragraph 11 are
12 consistent with the facts of this case. While this paragraph permits
13 both the USAO and defendant to submit full and complete factual
14 information to the United States Probation and Pretrial Services
15 Office and the Court, even if that factual information may be viewed
16 as inconsistent with the facts agreed to in this agreement, this
17 paragraph does not affect defendant's and the USAO's obligations not
18 to contest the facts agreed to in this agreement.

19 25. Defendant understands that even if the Court ignores any
20 sentencing recommendation, finds facts or reaches conclusions
21 different from those agreed to, and/or imposes any sentence up to the
22 maximum established by statute, defendant cannot, for that reason,
23 withdraw defendant's guilty plea, and defendant will remain bound to
24 fulfill all defendant's obligations under this agreement. Defendant
25 understands that no one -- not the prosecutor, defendant's attorney,
26 or the Court -- can make a binding prediction or promise regarding
27 the sentence defendant will receive, except that it will be within
28 the statutory maximum.

NO ADDITIONAL AGREEMENTS

26. Defendant understands that, except as set forth herein, there are no promises, understandings, or agreements between the USAO and defendant or defendant's attorney, and that no additional promise, understanding, or agreement may be entered into unless in a writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

27. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

NICOLA T. HANNA
United States Attorney

Ryan G Adams

RYAN G. ADAMS
Special Assistant United States
Attorney

09/09/2020

Date

9/9/2020

SAIF ALA AL DEEN
Defendant

Date

IJEOMA UCHECHI EKE
Deputy Federal Public Defender
Attorney for Defendant SAIF ALA AL
DEEN

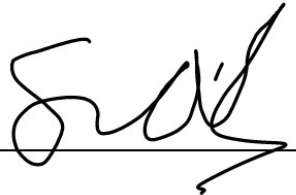
09/09/20

Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

SAIF ALA AL DEEN
Defendant




9/9/2020

Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am SAIF ALA AL DEEN's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.



IJEOMA UCHECHI EKE
Deputy Federal Public Defender
Attorney for Defendant SAIF ALA AL
DEEN

09/09/20

Date